

Washington Hotline



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LC licensing. The Library of Congress announced on November 27, in a letter to MARC Distribution Service subscribers, a set of price increases to recover LC's distribution costs for such records plus 10 percent, as required by law. The price increases would replace the licensing agreement for MARC Distribution Service records proposed in July, and withdrawn in October following strong opposition by the library community. The licensing agreement would have required license fees (in addition to subscription fees) for wholesale redistribution within the U.S. and for selective and wholesale redistribution outside the U.S.

The November 27 letter indicates that LC has no plans to implement licensing of MARC services next year. Beginning in 1990 with the new prices, approximately 104,000 preliminary cataloging records will be added to the Books All file, with a lesser number in Books English and Books U.S. A price differential for non-U.S. subscribers will reflect their higher postage costs. For the 101 subscribers who receive all MDS products, the price will be \$20,020 in the U.S. (a 30 percent increase), and \$21,350 outside the U.S. (a 39 percent increase).

Paperwork Reduction Act. Authorization for the Paperwork Reduction Act expired at the end of September. However, the OMB Office of Information and Regulatory Affairs continues to operate, as it did when Congress failed to reauthorize the law from 1984 through 1986. The pending PRA bills have been described in the *ALA Washington Newsletter* as follows:

Senate. On October 6, Sen. Jeff Bingaman (D-NM), chair of the Senate Governmental Affairs Subcommittee on Government Information and Regulation, introduced S. 1742, the Federal Information Resources Management Act of 1989. The bill would reauthorize the PRA, but emphasize information resources management as a purpose of the act. Bingaman stated that the bill will "strengthen the information infrastructure and statistical database of the Federal Government," and also includes provision for "improving agency capabilities and public access to Government information."

The Senate bill creates a new information dissemination section that instructs OMB to issue guidelines for agency implementation, thus increasing OMB's information dissemination policy functions. Of additional concern is a section that would require an agency to consider certain factors in determining how to fulfill its public information dissemination functions. Language in section 104(e) would revise section 3504(h) of title 44 to include a new subsection (3)(E) which (on pp. 18-19 of S. 1742) could be used to eliminate low-cost government information products and services that people use where private interests sell the equivalent information at costs that are prohibitive for the less affluent. Among the factors agencies are required to consider are:

- 1) if an information product or service available from other public or private sources is equivalent to an agency product or service and reasonably achieves the dissemination objectives of the agency product or service;

- 2) dissemination methods that will maximize the utility of the information to the public;
- 3) the economy and efficiency of Government operations.

In a section concerning federal agency responsibilities, agencies are directed to establish and maintain an information dissemination system that shall “provide to the Superintendent of Documents for distribution to the Federal Depository Library Program all publications required by chapter 19 of this title to be made available.” The Senate Governmental Affairs Committee plans to hold hearings on this bill early next year.

House. Rep. John Conyers (D-MI), chair of the House Government Operations Committee, and Rep. Frank Horton (R-NY), ranking minority, on November 17 introduced HR 3695, the Paperwork Reduction and Federal Information Resources Management Act of 1989.

The dissemination section of HR 3695 is the same as a draft circulated for comment in mid-September. In an October 12 letter to Rep. Conyers about the September 19 dissemination draft, ALA President Patricia Berger and Legislation Committee Chair Patricia Schuman stated:

“The Section increases substantially OMB’s power to interfere with the dissemination of government information—power that, in the past, Congress has chosen either to reserve for itself, or to legislate to specific agencies on a case-by-case basis. The Section consolidates two major elements of power in a single agency, namely the absolute power to regulate government information dissemination and the almost absolute power to wield budgetary control over such information. No useful public purpose is served by such sweeping investiture of authority in OMB; we believe the public would be poorly served should the September 19 dissemination Draft become law. Congress must not forget that on several occasions in recent years, OMB has used its present limited PRA authority to force curtailment of the flow of government information and to mandate increases in the prices the public must pay for access.

The House bill, like the Senate version, has the list of factors that agencies are required to consider in determining how to fulfill their dissemination functions. The House bill also recognizes the role of depository libraries in the dissemination of government information and would require agencies to provide to the Superintendent of Documents all government publications required by chapter 19, “including government publications in electronic formats.”

The ALA letter stated that ALA cannot support the September 19 draft of the dissemination section now incorporated in HR 3695. In their letter, Berger and Schuman requested that the dissemination section be deleted, and that public hearings be held on the advisability of including such a section in the PRA. At this time, no hearings are scheduled on the House bill.

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